

REMARKS

This is intended as a full and complete response to the Office Action dated May 3, 2006, having a shortened statutory period for response set to expire on August 3, 2006. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the paragraph [0041] has been amended to correspond to reference numeral 810 depicted in the drawings.

Claims 1-28 are pending in the application. Claims 1, 2, 7, 9, 11-18, 20-22 and 26-27 have been amended. Claims 19 and 23 have been cancelled. New claims 29-30 have been added to recite aspects of the invention. Claims 1-18, 20-22 and 24-30 remain pending following entry of this response. Applicants submit that the amendments and new claims do not introduce new matter.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). The specification has been amended to include reference numeral 810. Therefore, Applicants submit that the objection is no longer valid and request withdrawal of the objection.

Claim Rejections - 35 U.S.C. § 112

Claims 9, 20, and 27 are rejected under 35 U.S.C. 112, second paragraph. The Examiner states that there is insufficient antecedent basis for "a scanner error". Although Applicants do not agree with the Examiner's assessment of insufficient antecedent basis for "a scanner error" since the claims clearly recite how to determine "a scanner error", claims 9, 20 and 27 have been amended to simply recite "an error". The rejection is believed to be no longer valid, and withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 101

Claims 13-21 are rejected under 35 U.S.C. 101. Claims 13-21 have been amended to recite "computer readable storage medium" and are believed to be properly directed to statutory subject matter. Withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1-8, 10, 11, 13-19, 21-26, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by *McClung* (U.S. Pub No. 2004/0143502).

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *McClung* does not disclose "each and every element as set forth in the claim". For example, *McClung* does not disclose determining whether the item is purchased using a store credit card account for the store from which the item is purchased, performing the price match / credit when the store credit card account is used and when the item is not purchased using the store credit card account, notifying the customer of potential credits incurred by using the store credit card. The Examiner argues that *McClung* discloses "the credit card account as being an account with the vendor" in paragraph 0008, Sentence 3. However, the cited passage/paragraph is in fact directed to automatically crediting the refund amount to such accounts rather than restricting the credit to store credit card accounts. Further, the cited passage and/or the cited reference as a whole, do not teach notifying the customer of potential credits in

using the store credit card when the item is not purchased using the store credit card account.

As another example, regarding claims 7, 17 and 26, *McClung* does not disclose providing an explanation to the customer for crediting the credit card account of the customer, wherein the explanation is selected from one of a price guarantee credit for a price reduction from the same department store, a price match credit for matching a price from another store, and an error. The Examiner argues that the “system inherently provides reasoning for crediting the customer (to maintain the lowest price).” However, Applicants submit that explanations for the credit amount are not inherent and may be one of many types as recited claims.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 9, 20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *McClung*. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over *McClung* in view of *Walker* (U.S. Pub No. 2001/0042785).

Applicants respectfully traverse these rejections.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

As discussed above, *McClung* fails to disclose “each and every element as set forth in the claim”. The references cited by the Examiner, *McClung* and *Walker*, either alone or in combination, do not teach or suggest all the claim limitations. Therefore,

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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